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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

THE CENTER FOR INVESTIGATIVE
 REPORTING, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
 LABOR,

Defendant.

No. CV-4:21-cv-03826-KAW

**JOINT STATUS UPDATE, STIPULATION, AND
 ORDER**

Plaintiffs The Center for Investigative Reporting and Michael Montgomery (“Plaintiffs”) and Defendant United States Department of Labor (“DOL”) (collectively, “the Parties”), by and through their counsel, hereby stipulate and provide the following status update to the Court:

1. On June 8, 2021, Plaintiffs The Center for Investigative Reporting and Michael Montgomery (“Plaintiffs”) filed an Amended Complaint under the Freedom of Information Act (“FOIA”) in the above-entitled action, to which DOL filed an Answer and Affirmative Defenses on September 1, 2021. (ECF Nos. 5 & 18).

2. On October 19, 2021, the Parties submitted a proposed stipulated production schedule to the Court, pursuant to which DOL planned to produce records responsive to Plaintiffs’ request. The

1 Parties' stipulation set forth four interim productions and a final production on February 28, 2022, the
2 deadlines for which could be modified by agreement of the Parties and without Court Order, and
3 proposed that the Parties submit a further status report on March 25, 2022.

4 3. On October 20, 2021, the Court endorsed the Parties' proposed schedule and directed the
5 parties to submit a joint status report on or before March 25, 2022.

6 4. DOL produced records in accordance with the Parties' agreed-upon schedule, but referred
7 11 of the approximately 80 potentially responsive records to the Department of State for consultation
8 regarding the Department of State's equities in those records. DOL informed Plaintiffs on February 25,
9 2022 that certain records required consultation by the Department of State, and otherwise produced the
10 remaining records not requiring consultation on February 28.

11 5. DOL has continued to work with the Department of State to complete the consultation
12 and process and produce any remaining records. However, the Department of State's consultation is not
13 yet completed. Additionally, two of the records that were referred to the Department of State may
14 contain confidential commercial information that is subject to predisclosure notification procedures
15 pursuant to Executive Order 12600. DOL has commenced that process and expects it to be completed
16 by early April.

17 6. In sum, DOL anticipates that the Department of State consultation process, as well as the
18 predisclosure notification procedures, affecting the remaining records will be completed over the next
19 few weeks.

20 7. The Parties have conferred regarding next steps in the litigation and have stipulated to the
21 following:

22 a. DOL will make best efforts to process and produce any remaining responsive, non-
23 exempt records by April 8, 2022.

24 b. Upon completion of records production, DOL will provide Plaintiffs with a final
25 determination on its FOIA request. Thereafter the Parties will meet and confer in an
26 attempt to resolve any remaining disputes without further court involvement. Among
27 other things, the Parties will confer telephonically during the week of April 18, 2022.
28

c. The parties respectfully request that the Court set a further status report deadline of May 13, 2022. This will allow sufficient time for DOL to complete any actions with respect to the remaining records in advance of that deadline, and for the parties to meet and confer in an effort to avoid further litigation or to narrow any remaining issues for the Court.

IT IS SO STIPULATED.

DATED: March 23, 2022

Respectfully submitted,

STEPHANIE M. HINDS
United States Attorney

/s/ Sharanya Mohan
DAVID M. DEVITO
SHARANYA MOHAN
Assistant United States Attorneys

Attorneys for Defendant

DATED: March 23, 2022

THE CENTER FOR INVESTIGATIVE
REPORTING

/s/ D. Victoria Baranetsky
D. VICTORIA BARANETSKY

Attorneys for Plaintiffs

ORDER

Pursuant to the Parties' Stipulation, and good cause appearing, the Court orders as follows:

1. DOL will make best efforts to produce any remaining responsive, non-exempt records by April 8, 2022.
2. Upon completion of records production, DOL will provide Plaintiffs with a final determination on its FOIA request. Thereafter the Parties will meet and confer in an attempt to resolve any remaining disputes without further court involvement, including conferring telephonically during the week of April 18, 2022.
3. The Parties will provide the Court with a Joint Status Report by May 13, 2022.

IT IS SO ORDERED.

DATED: March 24, 2022


HON. KANDIS A. WESTMORE
United States Magistrate Judge